IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.22512 of 2008
NAGO SINGH @ JANARDAN SHARMA
Versus
THE STATE OF BIHAR
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4 25.09.2008 Heard learned counsel for the petitioner and the State.

The FIR was registered under Sections 364/34 and 302 of the Indian Penal Code against Mahesh Sharma and 10 to 12 unknown miscreants. It was alleged that the miscreants, who were variously armed surrounded Md. Anwar Qureshi, Asgar Qureshi, Supan Qureshi and Jogan Qureshi and they kidnapped them away and it was suspected that they had killed them subsequently.

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Learned counsel for the petitioner submits that the petitioner is in custody since 18.02.2008. It is further submitted that the petitioner is not named in the FIR. Learned counsel also submits that in para 10 one witness Kala Qureshi has named the petitioner amongst the extremists, but in para 126 when his statement was again recorded by the I.O this witness has not named the petitioner amongst the extremists/criminals. Learned counsel submits that two of the kidnapped victim, namely, Asgar Qureshi

and Jangan Qureshi returned and I.O has recorded their statement at paragraph 31 and 32 respectively and that any of the two have not named the petitioner amongst the criminals, who had kidnapped the victims away.

Mr. S. R. Haque the learned APP appearing on behalf of the State concedes that witness Kala Qureshi, who had named the petitioner amongst the criminals in para 10 does not named the petitioner subsequently when his statement was recorded in para 126 of the case diary. Learned APP does not point out any other material against the petitioner.

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Considering the facts and circumstances of the case, the petitioner, Nago Singh @ Janardan Sharma is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 7 of 2002.

Kundan **(C. M. Prasad, J.)**